

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CORY SPARKS,

Plaintiff,

v.

ORDER
10-CV-333A

CASUAL MALE RETAIL GROUP, INC., and
CASUAL MALE XL.,

Defendants.

The above-referenced case was referred to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C. § 636(b)(1)(B). On October 12, 2010, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that the case be dismissed.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, the case is dismissed.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: January 25 , 2011